UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

SAGI BARZILAY,)	
Plaintiff,)	
vs.) Case No. 4:07CV0	1781 ERW
TAMAR BARZILAY,)	
Defendant.)	

MEMORANDUM AND ORDER

This matter comes before the Court on Defendant Tamar Barzilay's Motion to Lift Stay of State Court Proceedings [doc. #55]. Plaintiff Sagi Barzilay filed a Motion in Opposition to Defendant's Motion [doc. # 60], on May 4, 2009.

On September 25, 2008, this Court granted Plaintiff's Motion for Stay of State Court Proceedings. Subsequently, on March 23, 2009, this Court issued a Memorandum and Order, denying Plaintiff's Petition under the Hague Convention. Following the issuance of this Memorandum and Order, Defendant filed the pending Motion to Lift Stay of State Court Proceedings on April 9, 2009. Thereafter, on April 24, 2009, this Court accepted Plaintiff's Notice of Appeal as timely filed.

"[T]he Hague Convention provides that any state court custody litigation be stayed pending the outcome of the Hague Convention litigation." *Rigby v. Damant*, 486 F.3d 692, 693 (1st Cir. 2007) (alteration in original) (quoting *Yang v. Tsui*, 416 F.3d 199, 203 (3d Cir.2005)). Plaintiff has appealed this Court's decision denying his Petition under the Hague Convention, and it is possible that the Eighth Circuit's decision will alter the outcome of these proceedings. Thus,

the Court finds that it is necessary to continue the existing stay of the state court proceedings, pending the outcome of the litigation.

Accordingly,

IT IS HEREBY ORDERED that Defendant Tamar Barzilay's Motion to Lift Stay of State Court Proceedings [doc. #55] is **DENIED**.

Dated this 21st Day of May, 2009.

E. RICHARD WEBBER

UNITED STATES DISTRICT JUDGE

E. Rahard Stehler